

# BOARD OF REGISTRATION IN PHARMACY

## Meeting Minutes

October 9, 2012

239 Causeway Street

Boston, Massachusetts

### Board Members Present

James T. DeVita, RPh; Karen Ryle, RPh, MS; Anita Young, RPh, EdD;  
Stanley Walczyk, RPh; Kathy Fabiszewski, NP, PhD; Donald  
Accetta, MD, MPH; George Cayer, RPh;

### Board Members Absent

Steven Budish; Joanne Trifone, RPh; Sophia Pasedis, RPh, PharmD

### Staff Present

James D. Coffey, RPh, Director; Margaret Cittadino, MEd, Associate  
Director; Susan Manning, Board Counsel; Leo McKenna, RPh,  
PharmD, Quality Assurance (QA) Coordinator; Samuel J. Penta, RPh,  
Supervising Investigator; Cheryl Lathum RPh, PharmD, Investigator;  
James Emery, Pharmacy Technician, Investigator; Ian Fitts,  
Northeastern University School of Pharmacy Extern

1. 8:30 a.m. CALL TO ORDER - President James T. DeVita, RPh

**Motion** Walczyk/Cayer to re-order the agenda.

**Approved**

2. 8:35 a.m. APPLICATIONS and Other Notices (no handout/applications on file)  
Assoc. Dir. Margaret Cittadino

#### New Community Pharmacy

CVS 7109, 296 Canal Street, Salem

Walgreens 11726, 1765 Middlesex Street, Lowell

#### Change of Manager

CVS 183, 700 Boston Road, Billerica (DS2347)

CVS 524, 350 Longwood Avenue, Boston (DS2532)

CVS594, 105 Davis Straights, Falmouth (DS2839)

CVS 719, 110 Route 6A, Orleans (DS1906)

CVS 119, 376 Main Street, Wakefield (DS01880)

Harbor Health Services, 398 Neponset Avenue, Dorchester (DS89736)

Oscor 7495, 180A Cambridge Street, Burlington (DS3298)

Rite Aid 10053, 32 Union Street, East Hampton (DS2383)

Rite Aid 10077, 52 Pearson Boulevard, Gardner (DS2392)

Rite Aid 10117, 525 Turnpike Street, North Andover (DS3128)

Rite Aid 10105, 515 College Highway, Southwick (DS2664)

Rite Aid 10082, 18 Main Street, Townsend (DS01469)

Target Pharmacy T-1965, 86 Orchard Hill Park Drive, Leominster (DS3399)

Walmart 10-1918, 250 Hartford Avenue, Bellingham (DS2744)

Walmart 10-2336, 300 Colony Place Road, Plymouth (DS3400)

Walmart 10-1967, 1105 Boston Road, Springfield (DS2737)

#### Retail Pharmacy Relocation

CVS 119, 451 Main Street, Wakefield FROM 376 Main Street, Wakefield (DS16934)

Renovation/Expansion

CVS 707, 500 Grafton Street, Worcester (DS24373)

Rite Aid 10209, 1207 Acushnet Avenue, New Bedford (DS2899)

Wholesale Distributor Relocation

Physician Sales & Services, 3 Walpole Park South Drive, Walpole MA FROM  
Wareham Industrial Park, 4 Thatcher Lane, Wareham (WD392)

Retail Pharmacy Closing

Hyde Park Pharmacy, 1461 River Street, Hyde Park (DS4066). All eligible medications will be returned to the wholesaler. All Schedule II - VI medications will be returned to reverse distributor, and all records and files will be stored for the required two years in a family owned building.

Silva Pharmacy, 133 County Street, New Bedford (DS1929). All records, files and controlled substance inventory will be transferred to RiteAid Pharmacy 0207, 1383 Cove Road, New Bedford (DS2411)

**Motion** Walczyk/Cayer to approve all applications

**Recused** DeVita for all CVS

**Approved**

3. 8:35 a.m. President DeVita made the following statement:

*"Good morning, my name is James DeVita, President of the Massachusetts Board of Registration in Pharmacy. This morning the Board will be convening for its routine monthly meeting. As is customary in ongoing investigations, the Board will receive a closed-session briefing from our general counsel on the matters surrounding the recent outbreak of Aspergillus meningitis that has been tied to the New England Compounding Center (NECC). No information on the NECC or the meningitis outbreak will be discussed in our open meeting today. On behalf of the Board, I first want to express our deepest sympathy for the patients and their families who have been caught up in this tragic outbreak. I also want to acknowledge the staff of the Department of Public Health, including the Board of Pharmacy, whose rapid response and expert engagement in collaboration with colleagues from the CDC and the FDA has ensured that NECC voluntarily surrendered its license and recalled all implicated products. We will continue to apprise the public of our findings as the investigation draws to conclusion, but at this time have no further information that we can release. Please refer further questions to the DPH Communications Office. Thank you for your time this morning."*

4. 8:45 a.m. UPDATES – tabled until next meeting

5. 8:45 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel  
CLOSED SESSION – Review/discussion of Complaints, Applications, Adjudicatory Session and other Legal Matters [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

8:45 a.m. **Motion** Ryle/Cayer to enter Closed Session **Approved**

10:30a.m. **Motion** Cayer/Ryle to end Closed Session **Approved**

6. 10:30 a.m. Break

7. 11:00 a.m. President DeVita repeated the above statement regarding NECC and the *Aspergillus* meningitis outbreak.

8. 11:05 a.m. INVESTIGATIVE CONFERENCE

Matters of:

**CVS/pharmacy** 1094, 137 Federal Street, Greenfield (DS1627)

Docket Nos. **CVS 1094** PHA-2011-0332.

**Heather Marie Leveille** (PT5480) PHA-2012-0030

**Joseph Makosiej** (PH22553) PHA-2012-0031

Complaint alleges that on or about September 21, 2011, CVS 1094 in Greenfield incorrectly filled/dispensed a prescription written for D-Vi-Sol (400 IU per mL) with Calciferol (8000 IU per ML) for a two week old patient resulting in a hospital visit. The date entry and production pharmacy technician was **Heather Marie Leveille** (PT5480) and verification pharmacist **Joseph Makosiej** (PH22553) were present.

CVS representatives present: Susan Delmonico, Director of Regulatory Affairs and Kerri Ryan, Pharmacy Supervisor

**Recused** Devita (not present in room for discussion or vote)

Investigator William Frisch, R.ph presented the Investigative report. Board members asked questions of the involved pharmacists and CVS representatives. After discussion,

PHA-2011-0332 <b>CVS 1094</b> DS1627	<b>Motion</b> Cayer/Walczyk to Dismiss with Advisory Letter and request CVS to advise the Board in writing how information related to dosing of vitamins and supplements will be disseminated. <b>Approved</b>
PHA-2012-0031 <b>Joseph Makosiej</b> PH22553	<b>Motion</b> Cayer/Walczyk to Dismiss with Advisory Letter and 4 CE's (2 in medication error prevention. and 2 in vitamins and supplements) <b>Approved</b>
PHA-2012-0030 <b>Heather Marie Leveille</b> PT5480	<b>Motion</b> Cayer/Walczyk to Dismiss with Advisory Letter and 4 CE's (2 in medication error prevention. and 2 in vitamins and supplements) <b>Approved</b>

9. 8:55 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

File Review - Samuel J. Penta, RPh Supervising Investigator; James C. Emery, Investigator; Cheryl Latham, PharmD, RPh, Investigator; William E. Frisch, Jr, RPh, Investigator; Leo A. McKenna, PharmD, RPh, QA Coordinator

PHA-2011-0327 <b>Walgreens 3548</b> DS2713	<b>Motion</b> Ryle/Young Dismiss with Advisory letter and report to ISMP regarding the dosing labeling on the product <b>Recused</b> Trifone not present in room for discussion or vote <b>Approved</b>
PHA-2012-0100 <b>Robert Kidney</b> PH19913	<b>Motion</b> Cayer/Young to Dismiss with Advisory Letter with 4 Continuing Education Credits (2 in pediatric calculations and 2 in medication error

	prevention) <b>Recused</b> Trifone not present in room for discussion or vote <b>Approved</b>
PHA-2012-0101 <b>Lisa Hotchkiss</b> PT440	<b>Motion</b> Walczyk/DeVita to Dismiss with Advisory Letter with 4 Continuing Education Credits (2 in pediatric calculations and 2 in medication error prevention) <b>Recused</b> Trifone not present in room for discussion or vote <b>Approved</b>

11:55 a.m. Accetta and Fabiszewski exit meeting

9. 12:00 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance  
UMass Memorial Center, Inc. DBA  
**PRESCRIPTION CENTER PHARMACY – MEMORIAL CAMPUS**  
Proposed: 119 Belmont Street, Worcester

Present: Proposed Manager of Record Susan Stanczak, RPh (PH25837) and Kevin Miller RPh, Director of Ambulatory Care Pharmacy Services, UMass Memorial Medical Center

Applicant with waivers for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances.

**Motion** Ryle/Young to approve application pending compliant inspection and with waivers as requested with the caveat that if a change in the not-for-profit status of this facility changes, the waivers would have to be reviewed.

**Approved**

## FLEX DISCUSSION

### A. NEW BUSINESS

#### APPLICATIONS – Approve/Deny

- 1) Scott Russell Doheny – Pharmacist  
**Motion** Cayer/Ryle to approve application  
**Approved**
- 2) Brad Purga – Pharmacy Intern  
**Motion** DeVita/Cayer to approve application after all conditions related to legal matter have been met.  
**Approved**
- 3) Conrad Pszczola – Pharmacy Intern  
**Motion** DeVita/Young to approve application  
**Approved**

### B. OLD BUSINESS

- 1) Michael Tapley - Reciprocal Pharmacist  
**Motion** Walczyk/Young to approve application  
**Approved**

12:30 p.m. **Motion** Young/Ryle to adjourn. **Approved**

10. 12:30 p.m. ADJOURNMENT

Respectfully submitted by:

Board approved: December 11, 2012



Margaret Cittadino  
Associate Director